

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Eric Jonathan Erickson,

Debtor.

C/A No. 11-06970-DD

Chapter 7

**ORDER REGARDING
NOTICE OF APPEAL**

This matter is before the Court on Joseph Sun's Notice of Appeal dated August 18, 2012. Sun seeks to appeal this Court's Order entered July 20, 2012, denying his motion to reopen this bankruptcy case and striking his attempt to initiate an adversary proceeding. Sun also seeks to appeal this Court's Order entered August 14, 2012, denying his motion to reconsider. In addition to filing a notice of appeal, Sun submitted a declaration that he could not pay the filing fees for an appeal.¹

In his Notice of Appeal, Sun directs his appeal to the United States Court of Appeals for the Fourth Circuit. His appeal should have been directed to the District Court, but because Sun is proceeding *pro se*, the Court will construe his filing as an appeal to the District Court. See Fed. R. Bankr. P. 8001. By a letter entered August 23, 2012, the Clerk's Office notified Sun of the requirement that he submit a request for certification with the information contained in Fed. R. Bankr. P. 8001(f)(3) if he was attempting to certify his appeal as a direct appeal to the Fourth Circuit. The letter also stated that pursuant to 28 U.S.C. § 158(d)(2), the request for certification had to be filed within "60 days after the entry of the judgment, order, or decree." As the Order denying Sun's motion to reconsider was entered August 14, 2012, sixty days have now passed

¹ The Court treated the declaration as a motion to proceed in forma pauperis. The Court denied the motion in an Order entered August 27, 2012, and gave Sun ten days to pay the filing fee. The Court entered an amended Order on August 30, 2012, correcting the filing fee amount set forth in the previous Order. Sun has not paid the fee.

since the entry of that Order. Sun has not submitted his request for certification with the information described in Fed. R. Bankr. P. 8001(f)(3). Independently, the Court has reviewed the orders Sun wishes to appeal and finds they do not meet the criteria for a direct appeal to the Fourth Circuit. See Fed. R. Bankr. P. 8001(f)(4). Consequently, the Court is treating Sun's filing as a notice of appeal to the District Court. Sun is hereby directed to file with the Clerk's Office and serve on the appellee, within fourteen (14) days, a designation of the items to be included in the record on appeal and a statement of the issues to be presented. See Fed. R. Bankr. P. 8006. The Clerk's Office is then directed to transmit the Notice of Appeal and record to the District Court for whatever disposition the District Court deems proper. The Clerk's Office is directed to serve a copy of this Order on Mr. Sun and Mr. Erickson.

AND IT IS SO ORDERED.

FILED BY THE COURT
10/18/2012



Entered: 10/19/2012

David R. Duncan
US Bankruptcy Judge
District of South Carolina